

PUBLIC DOCUMENT . . . . . No. 69.

THIRD ANNUAL REPORT  
OF THE  
STATE BOARD OF PUBLICATION.



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# Commonwealth of Massachusetts.

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## ANNUAL REPORT.

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts.*

The State Board of Publication submits herewith its third annual report.

There has been a continued disposition on the part of the various departments whose reports come under the supervision of this Board to keep such reports within the smallest confines, and in some instances further reductions in the number of pages have been made. The statutes require that the State Board of Insanity shall prescribe what statistics shall be published in the reports of the various institutions under their control. During the past year these statistics have been thoroughly revised by the clerk of that Board, with the result that statistical tables which appear in the reports of the trustees of the various insane hospitals and asylums this year are in a much more concise and intelligible form, and in addition are reduced over thirty per cent.

In its last annual report this Board called attention to the publication in some of the annual reports of voluminous statistics, questioning the usefulness of such, and suggesting that some legislation be enacted relative to the subject. Chapter 388 of the Acts of the year 1904 is the result of that and other recommendations. Section 2 of that act is as follows : —

SECTION 2. Boards, commissions and heads of departments having charge of preparing and printing documents relating to their departments shall not incorporate therein any statistics unless the same shall be approved by the state board of publication.

With a view to determining the exact authority this Board was given in the matter of eliminating statistical tables, a communication was addressed to the Attorney-General, asking for an opinion, in answer to which the following was received : —

OFFICE OF THE ATTORNEY-GENERAL,  
BOSTON, Sept. 21, 1904.

WILLIAM N. DAVENPORT, *Secretary, State Board of Publication.*

DEAR SIR : — The State Board of Publication in substance desires to know whether specific statistics required to be set forth and published in the reports of officials or departments of the Commonwealth, under the provisions of general or special laws, are now within the supervisory jurisdiction of the State Board of Publication, as defined by section 2 of chapter 388 of the Acts of 1904, which section is as follows : —

Boards, commissions and heads of departments having charge of preparing and printing documents relating to their various departments shall not incorporate therein any statistics unless the same shall be approved by the state board of publication.

I am of opinion that this section must be restricted in its application to those statistics which are not specifically required by legislation to be embodied in the reports under consideration. And I am further of opinion that, where there is a specific statutory requirement for the publication in any report of commission or official of particular statistics, such must be so published, and the duty of publication is imposed upon the official or commission by statute.

I am of opinion that the statute of 1904 above referred to cannot and ought not to be so construed as by indirection to modify, alter or remove a specific official duty imposed by law upon any officer or servant of the Commonwealth.

It seems to me, therefore, perfectly clear that the jurisdiction of the Board of Publication does not extend so far as to authorize or permit that Board to restrict or prohibit the publication of specific statistics required by pre-existing law. If the Board of Publication have any jurisdiction in such premises, it must be limited to an examination of such statistics, and to the determination whether or not they comply with the legal requirements relating thereto; and the Board might, if it appeared that the statistics offered for publication exceeded such requirement, reduce them to the limit of legal requirement; but it is indeed doubtful whether even this power is vested in the Board of Publication, since their



authority in general is supervisory, and clearly not intended to limit or control those publications which the law has otherwise specifically required.

Yours very truly,      HERBERT PARKER,  
*Attorney-General*

The Boards of Registration in Pharmacy, Dentistry and Veterinary Medicine each asked for permission to print in their annual reports of this year lists of all persons registered by them. It did not appear to this Board that these lists were of sufficient value to be so published. The several Boards were so notified, and also informed that, if they desired to publish such lists in their annual reports in the future, legislative authority for so doing would have to be obtained. The Board of Registration in Medicine has for several years published in its annual report a list of all persons registered by it, and such a list was included in the last report approved by the State Board of Publication. In this case notice was also given that this Board would not approve the publication of the list in the future, unless authorized by statute.

If it seems advisable to your honorable bodies that such lists should be included in the annual reports of these Boards, we would suggest legislation to that end.

Respectfully submitted,

JAMES W. KIMBALL.  
WM. N. DAVENPORT.  
JOHN WOODBURY.







